

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

RONALD KOONS, *et al.*

Plaintiffs

v.

WILLIAM REYNOLDS, *et al.*

Defendants

AARON SIEGEL, *et al.*

Plaintiffs,

v.

MATTHEW PLATKIN, *et al.*

Defendants.

Civil Action No. 1:22-cv-07464-
RMB-AMD

CIVIL ACTION

(ELECTRONICALLY FILED)

CONSOLIDATED ACTIONS

**DECLARATION OF KENNETH ARMELLINO IN SUPPORT OF
SIEGEL PLAINTIFFS' MOTION FOR A PRELIMINARY
INJUNCTION**

1. I, Kenneth Armellino, am a member of Plaintiff Association of New Jersey Rifle & Pistol Clubs, Inc. I am over the age of 18, have personal knowledge of the facts and events referred to in this Declaration, and am competent to testify to the matters stated below.

2. Attached hereto as **Exhibit A** is the response to a request I filed pursuant to the Open Public Records Act on February 16, 2023 to the New Jersey Division of Gaming Enforcement. The request sought:

All correspondence between the Division of Gaming Enforcement, the Governor's Office, and Attorney General's Office and the NJ Casino Association regarding the policy of allowing firearms on casino properties dated January 1, 2023 to February 15, 2023.

3. Attached hereto as **Exhibit B** is an e-mail thread between David Rebuck and attorney Joseph R. Dougherty.

4. Attached hereto as **Exhibit C** is an e-mail thread between Nicholas Moles, General Counsel of Resorts Casino Hotel, and Kerry Langan with a copy to David Rebuck.

I declare under penalty of perjury that the foregoing is true and correct.
Executed within the United States.



Kenneth Armellino

3/16/2023

Date

EXHIBIT A

February 28, 2023 07:06 PM

State of New Jersey

Page: 1 of 2

Government Records Request

Receipt

Requestor Information

Kenneth Armellino

60 Dance Blvd

Dumont, NJ 07628

kennethpe@yahoo.com

516-220-9333

Request Date: February 16, 2023

Maximum Authorized Cost: \$50.00

Email

Request Number: W197314

Request Status: Filled Closed

Ready Date:

Custodian Contact Information

Division of Gaming Enforcement

Records Custodian

PO Box 047

140 E Front Street

Trenton, NJ 08625-0047

records.dge@njdge.org

609-633-7158

By *Jordan Hollander***Status of Your Request**

Your request for government records (# W197314) from the Division of Gaming Enforcement has been reviewed and has been Filled Closed. Detailed information as to the availability of the documents you requested appear below and on following pages as necessary.

The cost and any balance due for this request is shown to the right. Any balance due must be paid in full prior to the release / mailing of the documents.

If you have any questions related to the disposition of this request please contact the Custodian of Records for the Division of Gaming Enforcement. The contact information is in the column to the right. Please reference your request number in any contact or correspondence.

Cost Information

Total Cost: \$0.00

Deposit: \$0.00

Total Amount Paid: \$0.00

Balance Due: \$0.00

Document Detail

Div	Doc #	Doc Name	Redaction Req	Pages	Legal Size	Electronic Media	Other Cost
GE	0001	All correspondence between the Division of Gaming Enforcement, the Governor's Office, and Attorney General's Office and the NJ Casino Association regarding the policy of allowing firearms on casino properties dated January 1, 2023 to February 15, 2023.	N	3	N	Y	
		Granted, in part, and Denial, in part: 01. Not Made, Maintained, or Received by Division; 02. Inter/Intra-Agency Advisory, Consultative or Deliberative Material; 15. Attorney Client Privilege; and 16. Other Claimed Privilege --- Attorney Work Product					

February 28, 2023 07:06 PM

State of New Jersey

Page: 2 of 2

Government Records Request

Receipt

On February 17, 2023, you filed OPRA request #W197388 with the Department of Law and Public Safety, Division of Gaming Enforcement (DGE) seeking "[a]ll correspondence between the Division of Gaming Enforcement, the Governor's Office, and Attorney General's Office and the NJ Casino Association regarding the policy of allowing firearms on casino properties" dated January 1, 2023 to February 15, 2023.

The DGE has reviewed your request and provides the following records in response:

- Email chain between DGE Director David Rebuck and Joseph R. Dougherty, Esq. dated February 5, 2023 - 1 page.
- Email from Nick Moles, Esq., to DGE PIO Kerry Langan and DGE Director David Rebuck dated February 7, 2023 - 2 pages.

To the extent your request seeks records between the DGE and the Attorney General's Office these records are exempt pursuant to N.J.S.A. 47:1A-1.1 which exempts from disclosure under OPRA inter-agency or intra-agency advisory, consultative or deliberative material, as well as any record within the attorney-client privilege. Additionally, these records are exempt as attorney-work product, pursuant to N.J.S.A. 47:1A-9 which provides that OPRA does not abrogate or erode any privileges recognized by court rule or judicial case law. Finally, to the extent your request seeks records between DGE and the Governor's Office, there are no responsive records.

Sincerely,

Jordan Hollander
DGE Records Custodian

Your request for government records (# W197314) is as follows:

All correspondence between the Division of Gaming Enforcement, the Governor's Office, and Attorney General's Office and the NJ Casino Association regarding the policy of allowing firearms on casino properties. Correspondence dated 1/1/2023 - 2/15/2023 only.

EXHIBIT B

Jordan Hollander

From: jdougherty jdnjlaw.com <jdougherty@jdnjlaw.com>
Sent: Sunday, February 5, 2023 12:29 PM
To: David Rebuck
Subject: [EXTERNAL]

Yes. The approved statement is below. We're having it pushed out starting tomorrow.

Thanks again.

“The safety and well-being of our customers and employees is our top priority. Considering the Court Order temporarily restraining enforcement of the State law prohibiting the carrying of firearms, all of the Atlantic City casinos are exercising their rights, as private property owners, to prohibit the carrying of firearms on their premises.”

Joseph R. Dougherty, Esq.
Jdougherty@jdnjlaw.com
609-431-0490

From: David Rebuck <David.Rebuck@njdge.org>
Sent: Sunday, February 5, 2023 11:52 AM
To: jdougherty jdnjlaw.com <jdougherty@jdnjlaw.com>
Subject:

Any update on possible CANJ press release?

Sent via the Samsung Galaxy S20 FE 5G, an AT&T 5G smartphone

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EXHIBIT C

Jordan Hollander

From: Nick Moles <NMoles@resortsac.com>
Sent: Tuesday, February 7, 2023 3:24 PM
To: Kerry Langan
Cc: David Rebuck
Subject: [EXTERNAL] Casino Association of New Jersey Statement

Good afternoon, Kerry. These articles showed up in our clippings and I thought I would pass them on to you for your information. Stay well. Nick.

AC CASINO CONCEAL CARRY BAN

Casino Association of New Jersey Statement

February 7, 2023

[Insider NJ](#)

Casino Association of New Jersey Statement

Atlantic City, NJ – Mark Giannantonio, president of the Casino Association of New Jersey (CANJ), issued the following statement on behalf of the Atlantic City casino industry:

“The safety and well-being of our guests and employees is a top priority for the Atlantic City casino industry. Considering the Court Order temporarily restraining enforcement of the State law prohibiting the carrying of concealed firearms in public places, including casinos, all of the Atlantic City casinos are exercising their rights, as private property owners, to prohibit the carrying of firearms on their premises.”

###

About the Casino Association of New Jersey

The Casino Association of New Jersey (CANJ) is a trade organization that provides a collective voice for the Atlantic City casino industry by facilitating the exchange of information and ideas between our industry, small businesses, Atlantic City stakeholders and the general public. The CANJ consistently advocates for legislation and initiatives that support the ongoing revitalization of Atlantic City into a world-class destination resort. A thriving casino industry drives economic growth, job creation, increased tax revenue for state and local budgets, and prosperity for city residents, hardworking families and businesses which rely on the casinos for their livelihood. Our goals are simple: protect and grow the tens of thousands of jobs the casino industry supports across New Jersey and continue Atlantic City’s transformation into a world-class destination resort. For additional information, please visit www.casinosnj.org.

###

Atlantic City casinos ban guns as legal battle over new carrying law continues

February 7, 2023

David Wildstein

[New Jersey Globe](#)

Guns will be banned in New Jersey casinos despite a temporary restraining order blocking the enforcement of a portion of a new state law that limits firearms in public places, Mark Giannantonio, the president of the Casino Association of New Jersey, said on Monday.

“The safety and well-being of our guests and employees is a top priority for the Atlantic City casino industry,” Giannantonio said. “All of the Atlantic City casinos are exercising their rights, as private property owners, to prohibit the carrying of firearms on their premises.”

U.S. District Court Chief Judge Renée Marie Bumb ordered the restraints last month after a gun rights group challenged the constitutionality of the new law signed by Gov. Phil Murphy in December.

Bumb's ruling froze a section of the law that limits guns in "sensitive places, including schools and restaurants.

Last week, another U.S. District Judge, Biden appointee Zahid Quraishi, also issued a temporary restraining order blocking a section of the law that allows the state to sue the gun industry.

###

Atlantic City casinos will not allow concealed carry

February 6, 2023

Daniel Han

[POLITICO Pro](#)

Atlantic City casinos will prohibit the concealed carry of guns on their premises, the state's casino trade group announced Monday afternoon.

The announcement from the Casino Association of New Jersey, which represents Atlantic City's nine casinos, comes after a [federal judge last month blocked parts of the state's newly enacted concealed carry law](#), which includes broad prohibitions on where guns can be carried.

One of the law's provisions — which was blocked — includes a blanket ban on carrying guns in casinos. Private property owners can still prohibit guns from being carried on their premises.

"Considering the Court Order temporarily restraining enforcement of the State law prohibiting the carrying of concealed firearms in public places, including casinos, all of the Atlantic City casinos are exercising their rights, as private property owners, to prohibit the carrying of firearms on their premises," association president Mark Giannantonio said in a statement.

Gun rights groups immediately filed legal challenges to the gun law after Gov. Phil Murphy signed it in December. So far, several of the "sensitive places" where guns are prohibited from being carried have been [blocked by the courts](#), including places that serve alcohol, public libraries or museums and entertainment facilities.

The state has previously suggested to private property owners they can prohibit guns on their property despite the court orders. Ahead of a highly-anticipated Philadelphia Eagles-New York Giants NFL playoff game, [Attorney General Matt Platkin](#) reminded bars and restaurants that serve alcohol that they still had the right to bar guns from being carried on their premises.

###

Nicholas F. Moles
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